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Attorneys for Defendant  
SAN FRANCISCO COMMUNITY COLLEGE DISTRICT  
erroneously named herein as CITY COLLEGE OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRED HATTER,	)	Case No.: CV08-3334 SBA
	)	
Plaintiff,	)	<b>[PROPOSED] ORDER GRANTING</b>
vs.	)	<b>DEFENDANT'S MOTION TO DISMISS OR,</b>
	)	<b>IN THE ALTERNATIVE, MOTION FOR</b>
CITY COLLEGE OF SAN FRANCISCO,	)	<b>MORE DEFINITE STATEMENT</b>
	)	
Defendant.	)	
	)	
	)	
	)	

Defendant SAN FRANCISCO COMMUNITY COLLEGE DISTRICT (hereinafter "DISTRICT"), *erroneously named herein as* CITY COLLEGE OF SAN FRANCISCO'S Motion to Dismiss plaintiff FRED HATTER'S complaint, or, in the alternative, Motion for More Definite Statement, came on regularly for hearing on September 23, 2008 in Courtroom 3 of this Court. Plaintiff appeared in pro per and Christine Lee appeared for defendant.

The moving papers having been considered and all argument presented,

IT IS HEREBY ORDERED that defendant's Motion to Dismiss pursuant to Federal Rules of Civil Procedure, Rules 12(b)(6) be GRANTED.

Plaintiff fails state a cause of action under Title IX because he does not state that he was discriminated against on the basis of his gender.

Plaintiff fails to state a cause of action under the Americans with Disabilities Act because he

1 does not allege that he is a disabled individual. Further, he fails to allege that the DISTRICT  
2 discriminated against him on the basis of his disability.

3 To the extent that plaintiff attempts to assert state law tort claims for invasion of privacy and  
4 general negligence, he fails to state a cause of action because the DISTRICT is immune from  
5 common law tort claims. Further, plaintiff failed to allege compliance with the California Tort  
6 Claims Act.

7 Moreover, plaintiff's complaint was composed in such a way that it was impossible for  
8 defendants to formulate a meaningful response. Plaintiff is directed to amend his complaint to  
9 identify which legal theory he intends to proceed under and how his rights were violated. He must  
10 identify the dates of each action and identify the statutory basis for each cause of action, where  
11 applicable.

12 The first amended complaint should be filed and served within ten days of this order. Failure  
13 to file an amended complaint within ten days of this order subjects the complaint to dismissal.

14 IT IS SO ORDERED.

15 Dated: \_\_\_\_\_

16 HONORABLE SAUNDRA B. ARMSTRONG  
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